



**Analysis of Working Relationships and Lessons Learned  
in the Title VI Implementation Advisory Committee Process:  
Perspective of the Facilitation Team  
2/23/99**

## **INTRODUCTION**

EPA contracted with CDR Associates, through the RESOLVE ADR services contract, for facilitation services to the Title VI Implementation Advisory Committee (the Committee). After ten months, CDR Associates withdrew from this project, despite CDR's deep interest in supporting efforts to address Environmental Justice issues. This project presented extremely difficult relationship and procedural challenges for us, which we were unable to resolve and which made continuation of our work impossible. This report will attempt to analyze the situation and, we hope, help all of us understand how to avoid similar problems in the future.

## **EXPECTATIONS**

Normally when CDR Associates is hired as a facilitator, we provide facilitation services for plenary and small group sessions, consult with the client (and/or group members) on agenda design and strategies to create effective discussion of the issues, and prepare drafts of meeting summaries. In this contract, CDR was committed to working closely with the EPA Office of Civil Rights (OCR) staff and the Chair of the Committee throughout the process. We expected to work together with them to plan the overall consensus building process, to design agendas for plenary meetings, to manage meetings to build trust and further the negotiation process among stakeholders, and to work with stakeholders between meetings to advance the problem-solving process.

Shortly after we began to work on this project, it became apparent that OCR and the Committee Chair did not share these expectations. Our attempts to clarify roles and expectations met with scant success. When CDR attempted to fulfill our responsibilities as facilitator, our efforts were rejected and even seemed to be resented. These unresolved conflicting expectations of roles created difficulty throughout the project.

The Title VI Committee did adopt simple procedural guidelines, largely under the direction of the Chair. However, these guidelines did not address expectations regarding the role of the facilitators.

## **RELATIONSHIPS, COMMUNICATION, AND BEHAVIOR**

Despite our repeated requests, CDR never had an opportunity to discuss roles and expectations or establish a partnership understanding with the leadership of OCR or with the Chair of the Committee. CDR was unable to meet with the leadership of the OCR or with the Chair of the Committee—and was actively discouraged from making direct contact with them. This meant that no relationship or sense of trust developed. This lack of trust resulted in exaggerated

reactions to situations in which OCR or OCEM (the Office of Cooperative Environmental Management—the office of the DFO) perceived that CDR was not responding to their directives. Minor logistical problems escalated. EPA staff often reacted with hostility and rudeness to CDR program and support staff. (See discussion of logistics, below.) From the beginning of the project, the DFOs, particularly, seemed to see CDR in an adversarial, “we/they,” manner and treated staff accordingly.

On several occasions OCR staff or the DFO issued directives to CDR staff which went against the will of the Committee or its workgroups. This challenged the CDR facilitation team’s role as neutrals and our trust-building work with the stakeholder group, as we were caught in the conflict between the OCR and the Committee. One example of this occurred when EPA told CDR to distribute draft documents from the workgroups to all Committee members, even though two of the workgroups felt strongly that their documents were not yet ready to be circulated outside of their groups.

We should add that, by the end of the project, the facilitation team had developed a frank relationship with the DOPO, allowing us to air issues and work out ways to proceed, at least on day-to-day management of the project. We believe that, by this point, the DOPO had understood our interests and our need for more open communication with OCR and the Committee Chair and was, on several occasions, helpful in obtaining information for us.

## **PLANNING AND STRATEGY DESIGN**

OCR did not welcome CDR’s efforts to provide planning and strategy design assistance. Clearly, the Title VI Implementation Advisory Committee process represented very high stakes for the OCR. It is our perception that, because of the concern and anxiety that the office was experiencing, the leadership wished to maintain tight control of the process. This led to the exclusion of CDR from virtually all strategy and planning discussions. Since CDR was excluded from OCR discussions, we had no way to understand OCR’s interests and fears or to find ways to be supportive.

When CDR took the initiative to draft agendas for the first few meetings, we were first met with hostility (“Who gave you the right to....?”) and later disregarded. CDR’s requests for strategy meetings with OCR—made in person and by memorandum—were similarly ignored. Even initiatives taken by CDR to work directly with individual Committee members to advance stakeholder negotiations were often met with distrust and displeasure by EPA staff. For example, a CDR team member took the opportunity to meet informally with two Committee members when working on another project in their city. The meeting was especially useful for one Committee member who had especially difficult and strained relationships with colleagues on the Committee. This meeting gave him an occasion to discuss strategies for working more collaboratively with other members on issues of common concern. However, CDR was reprimanded for taking this action without first getting permission from OCR.

## CONSENSUS BUILDING AND PROBLEM SOLVING

CDR worked effectively with stakeholders between plenary meetings and in small groups during the plenaries and on conference calls. We were able to bring parties together, to help them consider their positions on specific issues, and to assist them in framing areas of agreement. However, the exclusion of CDR from OCR strategy discussions made it impossible for CDR to share our insights with OCR, to raise questions, or to attempt to design a more general approach to consensus-building based on CDR's extensive interaction with the workgroups.

In terms of consensus-building assistance during plenary meetings, it appeared to us that CDR facilitation assistance was neither expected nor welcomed by the Chair or OCR leadership. This led, at times, to almost comical efforts by the facilitators to assist the group despite this resistance. There were also extremely awkward and frustrating moments when the group was unfocused or unable to move forward and when opportunities to move toward consensus were missed.

## LOGISTICS

Logistical requirements and difficulties created frustration and inefficiencies for all concerned. Our difficulty working with EPA support and administrative systems resulted in unnecessary use of CDR program and support staff time and less than ideal service to Committee members.

***Telephones/Conference Calls:*** CDR was required to use EPA telephone lines for conference calls; this system was woefully inadequate. First, the lines were seldom available on short notice. When they were available, there were not always enough lines. We had to resort to private conference call services several times—with permission of the DOPO. Second, on many occasions, the facilitator and workgroup members had to wait 30 minutes or more after the scheduled call time before the EPA operator called them. This was infuriating to busy Committee members. Such frustrated members frequently placed long distance calls at their own expense in order to connect with calls. Unfortunately, community group representatives could not afford this expense. Finally, EPA staff often joined (and left) calls without announcing their presence, listening silently to the discussion, and then interjecting comments late in the call, much to the surprise of group members and the facilitators.

***Copying/Word Processing:*** There was a continuing lack of clarity regarding word-processing needs and the need for mailing of documents. The confusion and micro management in this area often resulted in (a) needless tensions and (b) Committee members not always receiving the necessary documents in a timely manner.

During plenary meetings, printing out documents and duplicating materials presented constant difficulties. The hotels had limited or no capacity for printing out or making copies of materials. CDR was specifically prohibited from negotiating with hotels or working on this problem in advance of the meetings, even though we expressed concern about the need of small groups for printing and copying services in order to do their work.

**Micro Management:** One example of this occurred early in the project when EPA required that all summaries of workgroup conference calls be submitted to EPA staff for review prior to distribution to Committee members. Since this micro management lead to delays that thwarted our efforts to provide timely service to the Committee, we later disregarded this requirement and sent conference call summaries directly to Committee members.

## **FINANCIAL MANAGEMENT**

Financial management problems encountered by CDR included:

- There was an unusual lack of clarity and consistency in the communication process for this contract. The CDR Finance Director was told that she was to communicate only with the prime contractor, although occasionally she was told to speak directly with the DFO or DOPO.
- Because of CDR's inability to communicate directly with the EPA contracts office, it was not always clear where the problems lay. The prime contractor did not always advocate for CDR or follow up on Work Plan or budget revisions, leading to contract delays. A process for keeping the subcontractor fully informed regarding the financial process would be helpful.
- During the frequent changes in the scope of work, it was difficult to meet the needs of all concerned within the prevailing budgetary boundaries. As a result, we were frequently working without a contract, which was acceptable for short periods but led to a major problem when some EPA staff were not kept abreast of the situation.
- The Continuing Resolution experienced by Federal agencies made a difficult situation much worse. This required CDR to draft a number of partial work plans and budgets and resulted in approval delays.
- These delays made it very difficult to keep commitments to CDR's own subcontractor, Rena Steinzor, who was not willing to continue work without a contract (although she was always willing to begin work with the verbal commitment of CDR staff).
- The Work Plan often called for products (such as agendas for plenary meetings, and the multipurpose final report) that EPA asked CDR not to do. This caused budgetary and planning confusion.
- It was often difficult to estimate telephone costs (especially important because of the focus on conference call work) because of EPA's insistence on the use of EPA phone lines which were sometimes not available.

**SUMMARY OF LESSONS LEARNED:  
SUGGESTIONS FOR MAXIMIZING PROCESS SUCCESS IN EPA  
CONTRACTING  
February 23, 1999**

**Partnering:** We feel that the most important single step in avoiding most of the problems in this case would have been a partnering discussion at the beginning of the project. Such a partnering session would lead to agreements or mutual statements of expectations between the EPA program office and the subcontractor (here OCR and CDR). The participants in the partnering session would focus on expectations, roles, responsibilities, and critical issues raised by either side. (In this case the DFO and DOPO should also have been included, since they were from different parts of the agency and there was often confusion between their roles.) If necessary, the prime contractor (RESOLVE) could also be included such a partnering discussion, so that they might provide support to both the EPA program office and the subcontractor.

In this case, a partnering session would have provided OCR and CDR with an opportunity to clarify the expected level of involvement and services for the facilitation team—or even to decide that OCR did not want or need what CDR had to offer. We heard on several occasions that OCR was surprised at CDR's expectations for performance of this contract and "had no idea of what we were getting when we contracted with CDR."

Partnering discussions should also include the Chair of the Committee, even if that person is not an EPA employee, allowing for clarification of roles and development of protocols describing ways in which the Chair and the facilitation team might best work together. In the Title VI case, that conversation might have resulted in a clear understanding that facilitation services would be limited to non-plenary meetings, conference calls, and small group work. [See attached document that describes possible relationships between committee chair and facilitation team.]

**Periodic Review:** These partnering discussions should extend to brief once-a-month check-in meetings among the facilitator(s), the program office and the Chair. These meetings would provide a forum for discussing "what's going well and what problems we are encountering," avoiding the escalation that occurred in this case. The participation of financial officers from both EPA and the subcontractor in such discussions, as needed, could lead to significant financial savings in the production of multiple Work Plans and budgets.

**Relations with the EPA Program Office:** Finally, the subcontractor should have direct access to the program office (OCR leadership in this case), should the need arise, without causing the perception that the subcontractor is violating the chain of command or "going around" the designated EPA contacts or the prime contractor. Other colleagues in this field include this as a condition of contracts in which they are involved. In this project, such access could have significantly improved the communication and budgeting dynamics.